

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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PAMELA KERKER,

Plaintiff,

- Against -

NATIONAL RAILROAD PASSENGER CORPORATION Index No.: 07 CV 6283
d/b/a AMTRAK

Defendant.
-----X

**RESPONSE TO
DEFENDANT'S FIRST SET
OF INTERROGATORIES**

Plaintiff, by her attorneys, Helen F. Dalton & Associates, P.C., responding to the demands of defendant NATIONAL RAILROAD PASSENGER CORPORATION – a/k/a AMTRAK for a set of interrogatories, alleges, upon information and belief, as follows:

1. Plaintiff's full name is Pamela Kerker. Her date of birth is June 11, 1954 and her Social Security number is 111-48-972. Plaintiff resides at P.O. Box 423, Rhinebeck, NY 12572.

2. Plaintiff was involved in a motor vehicle accident in the year 2002 and no injuries were sustained. There were no prior injuries to the body parts that were involved in this accident.

3. Plaintiff received injuries to her left shoulder and right ankle.

4. The name and address of the hospital, clinic and medical practitioners are given as under:

- i. Northern Dutchess Hospital
6511 Springbrook Avenue
Rhinebeck, NY 12572

- ii. The Kingston Hospital
400 Broadway
Kingston, NY 12401
- iii. Richard W. Moscovitz, M.D., P.A.
373 Broadway
Kingston, NY 12401
- iv. Dr. Stewart and
Dr. Sullivan
Northern Dutchess Hospital
6511 Springbrook Avenue
Rhinebeck, NY 12572

5. Plaintiff had rotator cuff surgery on her left shoulder at Kingston Hospital on August 10, 2006.

6. Plaintiff is not currently treating for her injuries.

7. Plaintiff received injuries on her left shoulder and right ankle. Ms. Pamela Kerker fell while stepping down from the train onto the stool at the Rhinecliff Railway Station platform. The Conductor who is supposed to help passengers while disembarking from the carriage was not present. However, he came after the fall and suggested her to go to the Station desk and report the accident, which the plaintiff did. As a result of the fall Plaintiff received serious injuries to her left shoulder and right ankle.

8. Plaintiff's husband is a witness to the accident. The Conductor of the train saw her sitting on the ground with acute pain in her ankle and she was unable to walk.

9. Plaintiff is employed by BMG Columbia House Inc, 250 West 34th Street, NY 10119 since March 2006. Her present salary is \$86,200 per annum.

10. Plaintiff filed a written accident report at the Rhinecliff Railway Station on June 29, 2006.

11. There have been no investigations, tests or inspections made pertaining to the cause of accident in question.

12. No statements have been taken from any person regarding the cause of accident in question.

13. Defendant(s), their agents, servants, and/or employees were negligent, careless, and reckless, in causing, permitting and allowing the stool to be placed on raised and uneven platform which caused the plaintiff to slip and fall while stepping down; negligently and improperly repairing said platform and allowing repairs thereto to be made in a negligent, careless and improper manner; in failing and neglecting to properly and adequately resurface the ground and/or repair the platform in a prudent, reasonable, effective, and otherwise safe manner; in failing and neglecting to employ the proper and required materials and techniques for the resurfacing and/or repair of the said platform; in failing and neglecting to follow the statutes, ordinances, standards, rules and regulations conforming to the standard; in causing, creating and allowing a trap to exist; in causing, creating and allowing a nuisance to exist; in failing and neglecting to warn or apprise the public and all lawful users thereof, particularly the Plaintiff herein, of the dangerous and defective conditions then and there existing in and upon the said platform; in failing and neglecting to barricade or section off the defective area and condition; in failing and neglecting to provide the Plaintiff with safe and unobstructed means to exit from the carriage ; in causing, permitting and allowing the platform to be, become and remain in an uneven, unfinished condition which was not level or uniform and posing a serious danger to all lawful users thereof; in failing and neglecting to prevent the dangerous, defective, and unsafe condition; in failing and neglecting to demarcate, delineate, rope off, post signs or signals, or in any way warn the public, and in particular the injured Plaintiff herein, of the dangerous and defective condition of the said platform.

14. The witness is Plaintiff's husband, Robert Kerker, P.O. Box 423,

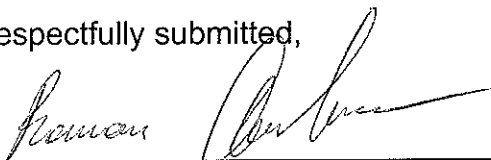
Rhinebeck, NY 12572.

15. No experts, or any person who is or professes to be skilled in any particular field of science, have been consulted and or contacted orally or in writing. However, Plaintiff intends to call the Physicians and other experts in the field of Engineering and Science at the time of trial as expert witnesses.

Plaintiff reserves the right to provide defendant with the name, address and qualifications of any expert witness retained prior to the trial of this action.

Dated: Forest Hills, NY
August 30, 2007

Respectfully submitted,



ROMAN AVSHALUMOV, ESQ. (RA5508)
Helen F. Dalton & Associates, P.C.
Attorneys for Plaintiff
Pamela Kerker
69-12 Austin Street
Forest Hills, NY 11375
(718) 263-9591
File # 27-E001

TO:

Landman, Corsi, Ballaine & Ford, PC
Attorneys for Defendant(s)
NATIONAL RAILROAD PASSENGER CORPORATION - AMTRAK
120 Broadway
New York, New York 10271-0079
(212) 238-4800

ATTORNEY'S VERIFICATION

UNITED STATES DISTRICT COURT
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d/b/a AMTRAK,


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I, the undersigned, an attorney of HELEN F. DALTON & ASSOCIATES admitted to practice in the United States District Court, Southern District of New York, state under penalty of perjury that I am one of the attorneys for the plaintiff in the within action; I have read the foregoing

RESPONSE TO DEFENDANT'S FIRST SET OF INTERROGATORIES

and know the contents thereof; the same is true to my own knowledge, except as to the matters I believe to be true. The reason this verification is made by me and not by my client, is that my client is not presently in the County where I maintain my offices. The grounds of my belief as to all matters not stated upon my own knowledge are the materials in my file and the investigation conducted by my office

DATED: Forest Hills, New York
August 31, 2007



ROMAN AVSHALUMOV, ESQ (RA5508)

Index No: 07CV 6283 (Judge Brieant)

UNITED STATES DISTRICT COURT
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PAMELA KERKER,

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NATIONAL RAILROAD PASSENGER
CORPORATION d/b/a AMTRAK

Defendant

RESPONSE TO DEFENDANT'S REQUEST FOR
PRODUCTION OF DOCUMENTS

Helen F. Dalton & Associates, P.C.

Attorneys for Plaintiff

69-12 Austin Street
Forest Hills, NY 11375
(718) 263-9591

TO: Landman Corsi Ballaine & Ford, P.C.
Attorneys for Defendant(s)
NATIONAL RAILROAD PASSENGER CORPORATION - AMTRAK
120 Broadway
New York, New York 10271-0070

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Plaintiff, Pamela Kerker, by attorneys, Helen F. Dalton & Associates, P.C., as and for a response to defendant National Railroad Passenger Corporation – d/b/a Amtrak request for production of documents, are as follows:

1. No statements were recorded or transcribed concerning the accident.
2. Copies of the medical records are enclosed as under:
 - (a) Emergency room record of the Northern Dutchess Hospital
 - (b) MRI reports from Radiology department of Northern Dutchess Hospital.
 - i. Left shoulder,
 - ii. Right ankle – Three views
 - iii. Three views of the left shoulder
- History and Physical reports from the Kingston Hospital
- Surgery / Operative report from Dr. Richard W. Moscovitz, M.D. of The Kingston Hospital.

- Examination report from Dr. Richard W. Moscovitz
 - Healing report from Dr. Richard W. Moscovitz.
3. Authorizations for the following are annexed:
- 1. Northern Dutchess Hospital
 - 2. The Kingston Hospital
 - 3. Richard W. Moscovitz, M.D. P.A.
 - 4. Employment authorization.
4. Copies of Plaintiff's income tax return for the year 2001 to 2006 are enclosed.
5. Please see Para 5 above.
6. Four copies of the Photograph taken at the site of the accident are enclosed.

Dated: Forest Hills, NY
August 30, 2007

Respectfully submitted,



Roman Avshalumov, Esq. (RA5508)
Helen F. Dalton & Associates, P.C.
Attorneys for Plaintiff
Pamela Kerker
69-12 Austin Street
Forest Hills, NY 11375
(718) 263-9591
File # 27-E001

TO:

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Attorneys for Defendant(s)
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